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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>18 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-48 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-31

Claims 1, 2, 4, 8, 9, 10, 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Gever et al. (U.S. Patent 6,313,835) in view of Singh (U.S.

Patent 6,308,206), Markus et al. (U.S. Patent 6,490,601) and Mack ("Breaking Through

the Cyber Ceiling"). As per claim 1, Gever discloses an Internet advertising system

comprising: a multimedia presentation comprising at least one component selected from

a group consisting of computer generated animation and full-motion video, a given item

within the selected component of the multimedia presentation represented by

(presumably) an embedded placeholder, the embedded placeholder programmed to

dynamically perform a series of actions of the given item within the multimedia

presentation (column 2, line 5, through column 3, line 5); a set of advertisements

corresponding to the embedded placeholder, each advertisement being indexed by at

least one demographic indicator (column 1, lines 52-61; column 2, line 5, through

column 3, line 5; column 8, lines 3-10); identifier means for identifying at least one

demographic characteristic of a user, wherein the at least one demographic

characteristic of the user corresponds to at least one demographic indicator (inherent

from column 2, lines 36-52); selector means for selecting a relevant advertisement from

the set of advertisements, the selector means configured to receive the at least one

demographic characteristic of the user from the identifier means, and the selector

means including a comparison of the user's at least one demographic characteristic with

the at least one demographic characteristic of each advertisement to select the relevant

advertisement for the user (inherent from column 2, line 26, through column 3, line 5,

and column 8, lines 3-10; providing an appropriate animation sequence or other Web

page component based on the geographic location of a visitor is held to imply means for

making necessary comparisons, etc.); inserter means for inserting the relevant

advertisement into the embedded placeholder of the multimedia presentation, the

inserter means configured to receive the relevant advertisement from the selector

means so as to create an advertisement programmed to dynamically follow the series of

actions of the given item integrated within the multimedia presentation and targeted to the user's at least one demographic characteristic, and configured to insert the relevant advertisement after identifying the at least one demographic characteristic (inherent from column 2, line 14 through column 3, line 5; and column 8, lines 3-10); and delivery means for delivering the multimedia presentation to the user (column 15, line 49, through column 16, line 14). Arguably, Gever's disclosure implies an embedded placeholder, to hold a place for such alternative pictures or animations as a background which changes with the time or season (column 3, lines 1-5). Even if Gever's invention could somehow be implemented as described in Gever's patent without anything qualifying as an embedded placeholder, the use of embedded placeholders is well known, as taught by Singh (column 3, lines 50-63). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use an embedded placeholder as recited, for the obvious advantage of readily presenting whatever advertisements, animations, etc., were to be presented in accordance with the site visitor's demographic characteristics and other relevant data.

Gever does not expressly disclose the actions of the embedded placeholders following the movement of the given item within the multimedia presentation, although Gever's disclosure of animations (e.g., Abstract), could be taken as implying it. However, Mack teaches cartoon characters (paragraph beginning, "With this philosophy in mind") which may sport advertising on t-shirts or cups of coffee they drink (paragraph beginning, "Oprah's online foray"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the

embedded placeholders to dynamically follow the movement of the given item within the multimedia presentation, for the obvious and implied advantage of enabling such cartoon characters on web sites to wear advertising t-shirts, etc., thereby more memorably and effectively presenting the advertising to viewers.

Gever does not expressly disclose that each of the advertisements are stored separate from the multimedia presentation, but it is well known for advertisements to be stored separate from a website, as taught, for example, by Markus (column 1, line 66, through column 2, line 37); this also teaches delivering to the user the ad created by the inserter means from the website and the set of ads stored separately. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the advertisements to be stored separately, for the obvious advantage of enabling data from advertisers to be integrated into Web sites stored elsewhere.

Neither Gever nor Singh expressly discloses that the placeholder is an advertisement placeholder, although Gever mentions advertisements (column 8, lines 3-10), but advertisements in Internet presentations are well known, as taught, for example, by Markus (as above). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the placeholder to be an advertisement placeholder, for the obvious advantage of enabling data from advertisers to be integrated into Web sites and displayed to potential buyers of advertised goods and services.

As per claim 2, Gever discloses a hyperlink in the advertisement or other multimedia presentation (column 6, lines 13-15; Figure 4; column 8, lines 25-35; see also claim 6).

As per claim 4, Gever discloses that the multimedia presentation is an animation (Abstract; and repeated references to animation throughout the Gever patent).

As per claim 8, neither Gever nor Singh expressly discloses that the multimedia presentation includes at least two embedded advertisement placeholders, but Gever discloses creating one *or more* individualized Web page components (column 2, lines 9-11), and it is held to be within the scope of a person of ordinary skill in the art to duplicate known parts for multiple effects (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, 11; 549 F2d 833 (7th Cir. 1977); *In re Harza*, 124 USPQ 378, 380; 274 F.2d 669 (CCPA 1960)). Furthermore, Markus teaches that many Web pages contain links to dozens of separate remote Internet resources (column 1, line 66, through column 2, line 37). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the multimedia presentation include at least two embedded advertisement placeholders, for the obvious advantage of presenting several advertisements, other Web page components, or parts thereof.

As per claim 9, Gever discloses multiple advertisements (column 1, lines 52-61; column 2, line 5, through column 3, line 5; column 8, lines 3-10). Neither Gever nor Singh expressly discloses that there are multiple sets of advertisements, each set corresponding to one of the at least two embedded advertisement placeholders, but it is held to be within the scope of a person of ordinary skill in the art to duplicate known

parts for multiple effects (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, 11; 549 F2d

833 (7th Cir. 1977); *In re Harza*, 124 USPQ 378, 380; 274 F.2d 669 (CCPA 1960)).

Furthermore, Markus teaches that many Web pages contain links to dozens of separate

remote Internet resources (column 1, line 66, through column 2, line 37). Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention for there to be multiple sets of advertisements, each set

corresponding to one of the at least two embedded advertisement placeholders, for the

obvious advantage of presenting multiple ads, at different points in a web site, and/or at

different times during a multimedia presentation.

As per claim 10, Gever discloses that the identifier means can include cookies

generated by an Internet browser of the user (column 15, line 60, through column 16,

line 8, the browser being held to follow from the cookies and other Internet-related

procedure, as in column 1, lines 11-21).

As per claim 11, Gever discloses that the identifier means can include a survey

completed by the user (column 15, line 49, through column 16, line 8).

As per claim 12, Gever does not expressly disclose that the inserter means is a

computer program, but does disclose that the inserter means involves manipulating

Web pages (column 2, line 14 through column 3, line 5; and column 8, lines 3-10), and

discloses prior art programs for preparing Web pages (column 1). Hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention for the inserter means to be (or comprise) a computer program, for

the obvious advantage of inserting relevant advertisements automatically according to

demographics and other factors, without having to employ a human being to monitor

Web traffic and make insertions by hand.

As per claim 15, Gever discloses that the components of a Web page (which, as

above, may be multimedia presentations, or parts of a multimedia presentation) may not

be situated on a server, but only referenced by URL address (which implies being

stored on a second server elsewhere) (column 15, lines 3-16).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever,

Singh, Markus, and Mack as applied to claim 2 above, and further in view of LeMole et

al. (U.S. Patent 6,009,410). Gever does not expressly disclose that the hyperlink in the

advertisement is a hyperlink to an advertiser's website (although "LINK1 =

'WWW.BUYLATER.COM'" in Figure 4 is highly suggestive). However, it is well known

for advertisements to contain hyperlinks to an advertiser's website, as taught, for

example, by LeMole (Abstract). Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention for the

hyperlink in the advertisement to be a hyperlink to an advertiser's website, for the

obvious advantage of encouraging users to browse catalogs, etc., and make purchases

at the advertiser's website.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gever, Singh, Markus, and Mack as applied to claim 4 above, and further in view of the

anonymous article, "Macromedia Flash Animation Now Native in RealSystem 5.0." As

per claim 5, Gever does not disclose that the animation is created using Macromedia

Flash software, but Macromedia Flash is a well-known system of software for creating

animations, as taught by "Macromedia Flash Animation Now Native in RealSystem 5.0"

(note that the paragraph beginning "Advertisers using Flash" specifically teaching using

Flash to create advertisements for the Web, complete with animation). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention for the animation to be created using Macromedia Flash

software, for the obvious advantage of readily creating animations viewable by many

client systems.

As per claim 7, Gever discloses selecting from a plurality of pre-existing

animation sequences (column 2, lines 9-20), an embedded placeholder presumably

being added, as per Singh, to enable the desired pre-existing or modified animations to

be displayed as desired.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever,

Singh, Markus, Mack, and the anonymous article, "Macromedia Flash Animation Now

Native in RealSystem 5.0," as applied to claim 5 above, and optionally further in view of

Borella et al. (U.S. Patent 6,182,125). Gever does not expressly disclose that the

animation is an original presentation, but it could be taken as inherent that some

animations are original presentations (not all animations could be copies of each other).

Furthermore, the article, "Macromedia Flash Animation Now Native in RealSystem 5.0,"

discloses creating animations. But if, arguendo, this does not suffice, Borella teaches

web pages including original content, including animation (column 4, lines 41-46).

Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention for the Flash animation to be an original

presentation, for the obvious advantage of enabling the presenter to provide an

animation according to his own desires and tastes, and to avoid having to pay royalties

to someone else for use of a copied presentation.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever,

Singh, Markus, and Mack as applied to claim 12 above, and further in view of Simpson

(U.S. Patent 6,453,300). Gever does not expressly disclose that the computer program

is Macromedia Generator, but Macromedia Generator is well known, as taught by the

Simpson patent, which specifically teaches using Macromedia Generator in conjunction

with Flash to personalize presentations (column 12, lines 3-16). Hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to use Generator, for the obvious advantage of accomplishing the

creation of Flash or similar animations using a standard, widely available package for

that purpose.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever,

Singh, Markus and Mack as applied to claim 12 above, and further in view of Chen et al.

(U.S. Patent 5,822,524). Gever does not expressly disclose that the computer program

and the multimedia presentation are stored on the same server, but it is well known for

various programs, data files, etc., to be stored on the same server, as taught, for

example, by Chen (column 1, lines 21-64). Hence, it would have been obvious to one

of ordinary skill in the art of electronic commerce at the time of applicant's invention to

have the computer program and the multimedia presentation both stored on the first

server, for the obvious advantage of ready accessibility.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever, Singh, Markus, and Mack as applied to claim 1 above, and further in view of the Microsoft Press Computer Dictionary and Jones ("Working on Site"). As per claim 16, Gever discloses delivery over a connection between a server storing the Web page component (which can be a multimedia presentation, as above) and discloses a viewer/user to whom pictures are transmitted, implying a computer operated by the user (column 9, lines 46-55). Gever does not expressly disclose that the connection is an Internet connection, but does refer to network connections and a Web page component. The Internet is a well-known network, as taught, for example, by the Microsoft Press Computer Dictionary (second definition of "Internet" on page 258, and subsequent entries relating to the Internet on pages 259-261) and it is well known that the World Wide Web is part of the Internet, as taught, for example, by Jones (Abstract, and paragraph beginning, "Marketers should be familiar"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the network connection to be an Internet connection, for the obvious advantage of connecting to the enormous number of people who access the Internet.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever, Singh, Markus, Mack, the Microsoft Press Computer Dictionary and Jones ("Working on Site") as applied to claim 16 above, and further in view of official notice. Gever does not disclose a syndication network, but official notice is taken that syndication networks (as defined by the instant specification, page 10, lines 19-21) are well known, e.g.,

advertisers who supply banner ads to one or more Websites for publication. Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention for the system to comprise a syndication network, for the

obvious advantage of readily placing advertisements or other desired components on

multiple Web sites.

Claims 18, 19, 20, 21, 24, 25, and 26 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Gever, Singh, Markus, Mack, the Microsoft Press Computer

Dictionary, Jones ("Working on Site"), and official notice as applied to claim 17 above,

and further in view of Kauffman et al. (U.S. Patent Application Publication

2002/0073084). As per claim 18, Kauffman teaches a syndication network collecting a

multimedia presentation and a selected advertisement, and delivering the multimedia

presentation containing the selected advertisement to the user's computer (paragraphs

7-10, 18-20, and 24; Figures 1 and 3). Hence, it would have been obvious to one of

ordinary skill in the art of electronic commerce at the time of applicant's invention to

have a syndication network do this, for the stated advantage of incorporating advertising

to target particular end users.

As per claim 19, Kauffman teaches that the syndication network collects the

multimedia presentation and the selected advertisement separate from one another,

and a server in the syndication network inserts the selected advertisement into the

multimedia presentation (paragraphs 7-10, 18-20, and 24; Figures 1 and 3). Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention to have the syndication network do this, for the stated

advantage of incorporating advertising to target particular end users.

As per claim 20, neither Gever nor Kauffman discloses a syndication network

that collects the multimedia presentation having the selected advertisement inserted

therein previous to entering the syndication network, but official notice is taken that it is

well known to collect presentations or programs having advertisements already inserted

therein (an example would be TV stations receiving and broadcasting national programs

with nationwide advertisements already inserted by the networks). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to have the syndication network collect the multimedia

presentation having the selected advertisement inserted therein previous to entering the

syndication network, for the obvious advantage of distributing presentations with ads

already included, the ads being either likely to be of interest to many viewers in general,

or likely to be of interest to many viewers of the multimedia presentation.

As per claim 21, Kauffman teaches that the syndication network collects

information relating to the identifier means from the user's computer (or other device),

and delivers the identifier information to a rule server (selection means) which selects

appropriate advertisements (see especially paragraph 19; also Figure 1). Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention to have the syndication network do this, for the stated

advantage of incorporating advertising to target particular end users.

As per claim 24, Gever does not disclose that the system comprises a media

buyer providing at least a portion of the set of advertisements, but official notice is taken

that media buyers brokering advertising space, etc., are well known. Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention for a media buyer to provide at least a portion of the set of

advertisements, for the obvious advantage of running advertisements provided by

persons and organizations which provide many advertisements.

Kauffman teaches identifier information from the syndication network being

delivered to a rule server/selector means (paragraph 19; Figure 1), as in claim 21, and

delivering the identifier information to the media buyer is not a significant distinction,

inasmuch as the media buyer places relevant advertisements in appropriate places.

As per claim 25, Kauffman does not teach that the identifier information is

delivered from the syndication network to the media buyer and from the media buyer to

the selector means, but official notice is taken that it is well known to forward

information from one party to another. Hence, it would have been obvious to one of

ordinary skill in the art of electronic commerce at the time of applicant's invention to

deliver the identifier information from the syndication network to the media buyer and

from the media buyer to the selector means, for the obvious advantage of making the

identifier information available to the various interested parties.

As per claim 26, Kauffman does not teach that the identifier information is

delivered from the syndication network to the media buyer, and the identifier information

is also delivered from the syndication network to the selector means, but official notice

is taken that it is well known to deliver information to multiple concerned parties (for example, CC'ing emails). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the identifier information is delivered from the syndication network to the media buyer and also to the selector means, for the obvious advantage of making the identifier information available to the various interested parties.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever, Singh, Markus, and Mack as applied to claim 1 above, and further in view of McCarthy et al. (U.S. Patent 6,904,408). Gever does not disclose that the system comprises a media buyer providing at least a portion of the set of advertisements, but media buyers brokering advertising space, etc., are well known, as taught, for example, by McCarthy (column 16, lines 15-24). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a media buyer to provide at least a portion of the set of advertisements, for the obvious advantage of running advertisements provided by persons and organizations which provide many advertisements.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever, Singh, Markus, Mack, and McCarthy as applied to claim 22 above, and further in view of official notice. Gever does not disclose that the media buyer receives information relating to the identifier means from the user's computer, but official notice is taken that it is well known for advertisers to receive information relating to identifier means from a user's computer. Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention for the media buyer to receive

information relating to identifier means from a user's computer, for such obvious

advantages as determining what advertisements to present to a user (based on

demographics, etc.), billing for presentation of relevant advertisements to users in

relevant categories, and enabling the advertiser/media buyer to contact the user if the

user expresses interest, orders goods or services, etc.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever,

Singh, Markus, and Mack as applied to claim 1 above, and further in view of Krishan et

al. (U.S. Patent 6,442,529). As per claim 27, Gever does not disclose means for

assessing an advertisement charge to the sponsor of the selected advertisement

delivered in the multimedia presentation, but it is well known to charge the sponsors of

advertisements for running or displaying their ads, as taught, for example, by Krishan

(column 1, lines 46-54). Hence, it would have been obvious to one of ordinary skill in

the art of electronic commerce at the time of applicant's invention to include means for

assessing an advertisement charge to the sponsor of the selected advertisement

delivered in the multimedia presentation, for the stated advantage of making money

from displaying the selected advertisement.

Claims 28, 29, 30, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gever, Singh, Markus, Mack, and Krishan as applied to claim 27

above, and further in view of official notice. As per claim 28, Gever does not disclose

that the sponsor's advertising charge is paid to an owner of the multimedia presentation,

but official notice is taken that it is well known for advertising charges to be paid to the

owners of programs in which the ads appear. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the sponsor's advertising charge to be paid to an owner of the multimedia presentation, for the obvious advantage of making money for displaying ads in multimedia presentations, or, from another perspective, for the obvious advantage of persuading the owners of multimedia presentations to display one's ads.

As per claim 29, Gever does not disclose that the sponsor's advertisement charge is apportioned to a group comprising an owner of the multimedia presentation and an owner of a media buyer providing the selected advertisement, but official notice is taken that it is well known to make payments (commissions) to media buyers; for payments to owners of multimedia presentations, see rejection of claim 28 above. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the sponsor's advertisement charge to be apportioned to a group comprising an owner of the multimedia presentation and an owner of a media buyer providing the selected advertisement, for the reasons set forth above in rejecting claim 28, and for the obvious advantage of compensating a media buyer for its services in placing ads.

As per claim 30, Gever does not disclose that the sponsor's advertisement charge is apportioned to a group comprising an owner of the multimedia presentation, an owner of a media buyer providing the selected advertisement, and an owner of the delivery means for providing the multimedia presentation to the user, but official notice is taken that it is well known to make payments to owners of delivery means (websites,

ISP's, cable TV companies, etc.); for payments to owners of multimedia presentations and media buyers, see rejection of claims 28 and 29 above. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the sponsor's advertisement charge to be apportioned to a group comprising an owner of the multimedia presentation, an owner of a media buyer providing the selected advertisement, and an owner of the delivery means for providing the multimedia presentation to the user, for the reasons set forth above in rejecting claims 28 and 29, and for the obvious advantage of compensating the owner of delivery means for his services in allowing an ad to run, or from the other perspective, of profiting from running ads.

As per claim 31, Gever does not disclose that the delivery means is a syndication network, but official notice is taken that syndication networks (as defined by the instant specification, page 10, lines 19-21) are well known, e.g., advertisers who supply banner ads to one or more Websites for publication. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the delivery means to be a syndication network, for the obvious advantage of placing advertisements or other desired components on multiple Web sites.

It is noted that claims 1-31 use "means for" language. Nonetheless, they are not treated as invoking 35 U.S.C. 112, sixth paragraph. If Applicant wishes to invoke 35 U.S.C. 112, sixth paragraph, Applicant should provide an explicit statement to that effect. 35 U.S.C. 112, sixth paragraph states:

> An element in a claim for a combination may be expressed as a
> means or step for performing a specified function without the recital of

structure, material or acts in support thereof, and such claim shall be
construed to cover the corresponding structure, material, or acts described
in the specification and equivalents thereof.

Claims 32-34

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever et
al. (U.S. Patent 6,313,835) in view of Singh (U.S. Patent 6,308,206), Markus et al. (U.S.
Patent 6,490,601), and Mack ("Breaking Through the Cyber Ceiling"). Gever discloses
an Internet advertising system comprising: a multimedia presentation comprising at
least one component selected from a group consisting of computer generated animation
and full-motion video, a given item within the selected component of the multimedia
presentation represented by (presumably) an embedded placeholder, the embedded
placeholder programmed to dynamically follow a series of actions of the given item
within the multimedia presentation (column 2, line 5, through column 3, line 5); a set of
advertisements corresponding to the embedded placeholder (column 1, lines 52-61;
column 2, line 5, through column 3, line 5; column 8, lines 3-10); identifier means for
identifying a user (inherent from column 2, lines 36-59); selector means for selecting a
relevant advertisement from the set of advertisements, wherein the selector means
select the relevant advertisement subsequent to the identification of the user by the
identifier means (column 2, line 26, through column 3, line 5, and column 8, lines 3-10);
inserter means for inserting the relevant advertisement into the embedded placeholder
of the multimedia presentation, the inserter means configured to receive the relevant
advertisement from the selector means so as to create a seamless advertisement

programmed to dynamically follow the series of actions of the given item integrated

within the multimedia presentation and targeted to the user's demographic

characteristics, and configured to insert the relevant advertisement after identifying the

at least one demographic characteristic (inherent from column 2, line 14 through column

3, line 5; and column 8, lines 3-10); and delivery means for delivering the multimedia

presentation to the user (column 15, line 49, through column 16, line 14). Arguably,

Gever's disclosure implies an embedded placeholder, to hold a place for such

alternative pictures or animations as a background which changes with the time or

season (column 3, lines 1-5). Even if Gever's invention could somehow be

implemented as described in Gever's patent without anything qualifying as an

embedded placeholder, the use of embedded placeholders is well known, as taught by

Singh (column 3, lines 50-63). Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention to use an

embedded placeholder as recited, for the obvious advantage of readily presenting

whatever advertisements, animations, etc., were to be presented in accordance with the

site visitor's demographic characteristics and other relevant data.

Gever does not expressly disclose the actions of the embedded placeholders

following the actions of the given item within the selected component as the selected

component moves relative to other parts of the multimedia presentation, although

Gever's disclosure of animations (e.g., Abstract), could be taken as implying it, since

parts of animations move relative to other parts, or it wouldn't count as animation.

However, Mack teaches cartoon characters (paragraph beginning, "With this philosophy

in mind") which may sport advertising on t-shirts or cups of coffee they drink (paragraph

beginning, "Oprah's online foray"). Hence, it would have been obvious to one of

ordinary skill in the art of electronic commerce at the time of applicant's invention for the

embedded placeholders to dynamically follow the series of actions of the given item as

the selected component moves relative to other parts within the multimedia

presentation, for the obvious and implied advantage of enabling such cartoon

characters on web sites to wear advertising t-shirts, etc., thereby more memorably and

effectively presenting the advertising to viewers.

Gever does not expressly disclose that each of the advertisements are stored

separate from the multimedia presentation, but it is well known for advertisements to be

stored separate from a website, as taught, for example, by Markus (column 1, line 66,

through column 2, line 37); this also teaches delivering to the user the ad created by the

inserter means from the website and the set of ads stored separately. Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention for the advertisements to be stored separately, for the obvious

advantage of enabling data from advertisers to be integrated into Web sites stored

elsewhere.

Neither Gever nor Singh expressly discloses that the placeholder is an

advertisement placeholder, although Gever mentions advertisements (column 8, lines 3-

10), but advertisements in Internet presentations are well known, as taught, for

example, by Markus (as above). Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention for the

placeholder to be an advertisement placeholder, for the obvious advantage of enabling

data from advertisers to be integrated into Web sites and displayed to potential buyers

of advertised goods and services.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever,

Singh, Markus, and Mack as applied to claim 32 above, and further in view of Sawyer

(U.S. Patent 6,084,628). Gever does not disclose that the selector randomly selects the

advertisement, but Sawyer teaches randomly selecting advertisements (column 4, lines

57-65). Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention for the selector to randomly

select the advertisement, for the stated advantage of ensuring that each advertisement

reflected in a profile is shown an appropriate number of times.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever,

Singh, Markus, and Mack as applied to claim 32 above, and further in view of Kauffman

et al. (U.S. Patent Application Publication 2002/0073084). Gever does not expressly

disclose that the seamless advertisement is dynamically contained in the multimedia

presentation, but Kauffman teaches this (paragraphs 17-20). Hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention for seamless advertisement to be dynamically contained in the

multimedia presentation, for the obvious advantage of presenting dynamic

advertisements to viewers.

It is noted that claims 32-34 use "means for" language. Nonetheless, they are

not treated as invoking 35 U.S.C. 112, sixth paragraph. If Applicant wishes to invoke 35

U.S.C. 112, sixth paragraph, Applicant should provide an explicit statement to that

effect. 35 U.S.C. 112, sixth paragraph states:

> An element in a claim for a combination may be expressed as a
> means or step for performing a specified function without the recital of
> structure, material or acts in support thereof, and such claim shall be
> construed to cover the corresponding structure, material, or acts described
> in the specification and equivalents thereof.

Claim 35

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever et

al. (U.S. Patent 6,313,835) in view of Singh (U.S. Patent 6,308,206), Kauffman (U.S.

Patent Application Publication 2002/0073084), Markus et al. (U.S. Patent 6,490,601),

Mack ("Breaking Through the Cyber Ceiling"), the anonymous article, "Macromedia

Flash Animation Now Native in RealSystem 5.0," Simpson (U.S. Patent 6,453,300),

McCarthy et al. (U.S. Patent 6,904,408), LeMole et al. (U.S. Patent 6,009,410), the

anonymous article "RedEye Recruitment: RedEye Recruitment Push to Meet Growing

Industry Demand for Accountable Online Advertising Tracking," Krishan et al. (U.S.

Patent 6,442,529), the anonymous article "Sony Goes to the Net via Visa," and

optionally in view of Borella et al. (U.S. Patent 6,182,125). Gever discloses an Internet

advertising system comprising: a multimedia presentation comprising at least one

component selected from a group consisting of computer generated animation and full-

motion video, a given item within the selected component of the multimedia

presentation represented by (presumably) an embedded placeholder, the embedded

placeholder programmed to dynamically follow a series of actions of the given item

within the multimedia presentation (column 2, line 5, through column 3, line 5); a set of

advertisements corresponding to the embedded placeholder (column 1, lines 52-61;

column 2, line 5, through column 3, line 5; column 8, lines 3-10); cookies generated by

an Internet browser of a user for identifying at least one demographic characteristic of

the user (column 15, line 60, through column 16, line 8, the browser being held to follow

from the cookies and other Internet-related procedure, as in column 1, lines 11-21);

selector means for selecting a relevant advertisement from the set of advertisements,

the selector means configured to receive at least one demographic characteristic of the

user (column 2, line 26, through column 3, line 5, and column 8, lines 3-10). Gever

does not expressly disclose the selector means comparing the user's cookies with the

demographic indicators of advertisements, but given the disclosure of cookies, and of

selecting advertisements or other Web page components based on demographic

characteristics, this is obvious. Gever discloses inserting the relevant advertisement

into the embedded placeholder of the multimedia presentation, creating an

advertisement programmed to dynamically follow the series of actions of the given item

integrated within the multimedia presentation and targeted to the user's demographic

characteristics, after identifying at least one demographic characteristic of the user

(inherent from column 2, line 14 through column 3, line 5; and column 8, lines 3-10).

Arguably, Gever's disclosure implies an embedded placeholder, to hold a place for such

alternative pictures or animations as a background which changes with the time or

season (column 3, lines 1-5). Even if Gever's invention could somehow be

implemented as described in Gever's patent without anything qualifying as an

embedded placeholder, the use of embedded placeholders is well known, as taught by

Singh (column 3, lines 50-63). Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention to use an

embedded placeholder as recited, for the obvious advantage of readily presenting

whatever advertisements, animations, etc., were to be presented in accordance with the

site visitor's demographic characteristics and other relevant data.

Gever does not expressly disclose that the multimedia presentation is a

Macromedia Flash animation multimedia presentation, but Macromedia Flash is a well-

known system for creating animations, as taught by "Macromedia Flash Animation Now

Native in RealSystem 5.0" (note that the paragraph beginning "Advertisers using Flash"

specifically teaching using Flash to create advertisements for the Web, complete with

animation). Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention for the animation to be created

using Macromedia Flash, for the obvious advantage of readily creating animations

viewable by many client systems.

Gever does not disclose that the advertisement placeholder is programmed to

dynamically follow a series of actions of the given item such that the advertisement

placeholder moves with the given item as the given item moves, although Gever's

disclosure of animations (e.g., Abstract), could be taken as suggestive. However, Mack

teaches cartoon characters (paragraph beginning, "With this philosophy in mind") which

may sport advertising on t-shirts or cups of coffee they drink (paragraph beginning,

"Oprah's online foray"). Hence, it would have been obvious to one of ordinary skill in

the art of electronic commerce at the time of applicant's invention for the embedded

placeholders to be programmed to dynamically follow a series of actions of the given

item such that the advertisement placeholder moves with the given item as the given

item moves, for the obvious and implied advantage of enabling such (animated, and

therefore moving) cartoon characters on web sites to wear advertising t-shirts, etc.,

thereby more memorably and effectively presenting the advertising to viewers.

Gever does not disclose a Macromedia Generator computer program for

inserting the relevant advertisement into the embedded placeholder, but Macromedia

Generator is well known, as taught by the Simpson patent, which specifically teaches

using Macromedia Generator in conjunction with Flash to personalize presentations by

inserting particular data (column 12, lines 3-16). Hence, it would have been obvious to

one of ordinary skill in the art of electronic commerce at the time of applicant's invention

to use Macromedia Generator, for the obvious advantage of accomplishing the creation

of Flash or similar animations using a standard, widely available package for that

purpose.

Gever does not disclose that the system comprises a media buyer providing at

least a portion of the set of advertisements, but media buyers brokering advertising

space, etc., are well known, as taught, for example, by McCarthy (column 16, lines 15-

24). Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention for a media buyer to provide at least a

portion of the set of advertisements, for the obvious advantage of running

advertisements provided by persons and organizations which provide many advertisements.

Kauffman teaches identifier information from the syndication network being delivered to a rule server/selector means (paragraph 19; Figure 1), and delivering the identifier information to the media buyer is not a significant distinction, inasmuch as the media buyer places relevant advertisements in appropriate places. Kauffman does not expressly teach that the identifier information is delivered from the syndication network to the media buyer, and the identifier information is also delivered from the syndication network to the selector means, but "RedEye Recruitment" teaches using cookies to enable advertisers to identify users (two paragraphs beginning from, "Says Paul Cook, founder"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the identifier information to be delivered from the syndication network to the media buyer as well as to the selector means, for the stated advantage of enabling advertisers to identify and target specific viewers, and personalize advertisements to individuals' needs.

Gever does not disclose a syndication network, but Kauffman teaches a syndication network for delivering to a computer operated by the user a multimedia advertising presentation (paragraphs 7-10, 18-20, and 24; Figures 1 and 3). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have a syndication network do this, for the stated advantage of incorporating advertising to target particular end users.

Gever discloses a hyperlink in the advertisement or other multimedia

presentation (column 6, lines 13-15; Figure 4; column 8, lines 25-35; see also claim 6).

Gever does not expressly disclose that the hyperlink in the advertisement takes the user

to an advertiser's website (although "LINK1 = 'WWW.BUYLATER.COM'" in Figure 4 is

highly suggestive). However, it is well known for advertisements to contain hyperlinks

to an advertiser's website, as taught, for example, by LeMole (Abstract). Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention for the hyperlink in the advertisement to be a hyperlink to

an advertiser's website, for the obvious advantage of encouraging users to browse

catalogs, etc., and make purchases at the advertiser's website.

Gever does not disclose assessing a fee to the user for delivery of the

multimedia presentation, but it is well known to charge fees to users for viewing

desirable content, fees being apportioned to one or more of the content owner, the

owner of a delivery system, and/or the owner of a media buyer, as taught, for example,

by "Sony Goes to the Net Via Visa" (especially the first paragraph). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to assess such a fee, for the obvious advantages of profiting

from providing the services of providing and delivering content, and attracting

advertisements by paying commissions to buyers.

Gever does not disclose assessing an advertisement charge to the sponsor of

the selected advertisement delivered in the multimedia presentation, but it is well known

to charge the sponsors of advertisements for running or displaying their ads, as taught,

for example, by Krishan, Krishan further teaching payment to the owner of delivery

means (column 1, lines 46-54). Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention to include

means for assessing an advertisement charge to the sponsor of the selected

advertisement delivered in the multimedia presentation, and apportioning payment, for

the stated advantage of making money from displaying the selected advertisement.

Gever does not expressly disclose that the animation is an original presentation,

but it could be taken as inherent that some animations are original presentations (not all

animations could be copies of each other). Furthermore, the article, "Macromedia Flash

Animation Now Native in RealSystem 5.0," discloses creating animations. But if,

arguendo, this does not suffice, Borella teaches web pages including original content,

including animation (column 4, lines 41-46). Hence, it would have been obvious to one

of ordinary skill in the art of electronic commerce at the time of applicant's invention for

the Flash animation to be an original presentation, for the obvious advantage of

enabling the presenter to provide an animation according to his own desires and tastes,

and to avoid having to pay royalties to someone else for use of a copied presentation.

Gever does not expressly disclose that each of the advertisements are stored

separate from the multimedia presentation, but it is well known for advertisements to be

stored separate from a website, as taught, for example, by Markus (column 1, line 66,

through column 2, line 37); this also teaches delivering to the user the ad created by the

inserter means from the website and the set of ads stored separately. Furthermore,

Markus teaches that many Web pages contain links to dozens of separate remote

Internet resources (column 1, line 66, through column 2, line 37). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the advertisements to be stored separately, for the obvious advantage of enabling data from advertisers to be integrated into Web sites stored elsewhere.

Neither Gever nor Singh expressly discloses that the placeholder is an advertisement placeholder, although Gever mentions advertisements (column 8, lines 3-10), but advertisements in Internet presentations are well known, as taught, for example, by Markus (as above). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the placeholder to be an advertisement placeholder, for the obvious advantage of enabling data from advertisers to be integrated into Web sites and displayed to potential buyers of advertised goods and services.

Gever does not expressly disclose that each of the advertisements are stored separate from the multimedia presentation, but it is well known for advertisements to be stored separate from a website, as taught, for example, by Markus (column 1, line 66, through column 2, line 37); this also teaches delivering to the user the ad created by the inserter means from the website and the set of ads stored separately. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the advertisements to be stored separately, for the obvious advantage of enabling data from advertisers to be integrated into Web sites stored elsewhere.

It is noted that claim 35 uses "means for" language ("selector means").

Nonetheless, it is not treated as invoking 35 U.S.C. 112, sixth paragraph. If Applicant

wishes to invoke 35 U.S.C. 112, sixth paragraph, Applicant should provide an explicit

statement to that effect. 35 U.S.C. 112, sixth paragraph states:

> An element in a claim for a combination may be expressed as a
> means or step for performing a specified function without the recital of
> structure, material or acts in support thereof, and such claim shall be
> construed to cover the corresponding structure, material, or acts described
> in the specification and equivalents thereof.

Claim 36

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever et

al. (U.S. Patent 6,313,835) in view of Singh (U.S. Patent 6,308,206), Markus et al. (U.S.

Patent 6,490,601), and Mack ("Breaking Through the Cyber Ceiling"). Gever discloses

an Internet advertising method comprising: providing a multimedia presentation

comprising at least one component selected from a group consisting of computer

generated animation and full-motion video, a given item within the selected component

of the multimedia presentation represented by (presumably) an embedded placeholder,

the embedded placeholder programmed to dynamically follow a series of actions of the

given item within the multimedia presentation (column 2, line 5, through column 3, line

5); providing a set of advertisements corresponding to the embedded placeholder, each

advertisement being indexed by at least one demographic indicator (column 1, lines 52-

61; column 2, line 5, through column 3, line 5; column 8, lines 3-10); identifying at least

one demographic characteristic of a user(inherent from column 2, lines 36-52); selecting

a relevant advertisement from the set of advertisements, the advertisement selection

including a comparison of the user's at least one demographic characteristic with at

least one demographic characteristic of each advertisement to select the relevant

advertisement for the user (inherent from column 2, line 26, through column 3, line 5,

and column 8, lines 3-10; providing an appropriate animation sequence or other Web

page component based on the geographic location of a visitor is held to imply means for

making necessary comparisons, etc.); inserting the relevant advertisement into the

embedded placeholder of the multimedia presentation, creating an advertisement

programmed to dynamically follow the series of actions of the given item integrated

within the multimedia presentation and targeted to the user's demographic

characteristics (inherent from column 2, line 14 through column 3, line 5; and column 8,

lines 3-10); and delivering to the user a multimedia presentation including an

advertisement, after identifying the user, including demographic information (column 15,

line 49, through column 16, line 14). Arguably, Gever's disclosure implies an embedded

placeholder, to hold a place for such alternative pictures or animations as a background

which changes with the time or season (column 3, lines 1-5). Even if Gever's invention

could somehow be implemented as described in Gever's patent without anything

qualifying as an embedded placeholder, the use of embedded placeholders is well

known, as taught by Singh (column 3, lines 50-63). Hence, it would have been obvious

to one of ordinary skill in the art of electronic commerce at the time of applicant's

invention to use an embedded placeholder as recited, for the obvious advantage of

readily presenting whatever advertisements, animations, etc., were to be presented in accordance with the site visitor's demographic characteristics and other relevant data.

Gever does not expressly disclose the embedded placeholder being programmed to dynamically follow the actions of the given item while the given item moves within the multimedia presentation, although Gever's disclosure of animations (e.g., Abstract), could be taken as implying it, since parts of animations move within the animation. However, Mack teaches cartoon characters (paragraph beginning, "With this philosophy in mind") which may sport advertising on t-shirts or cups of coffee they drink (paragraph beginning, "Oprah's online foray"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the embedded placeholders to dynamically follow the actions of the given item while the given item moves within the multimedia presentation, for the obvious and implied advantage of enabling such cartoon characters on web sites to wear advertising t-shirts, etc., thereby more memorably and effectively presenting the advertising to viewers.

Gever does not expressly disclose that each of the advertisements are stored separate from the multimedia presentation, but it is well known for advertisements to be stored separate from a website, as taught, for example, by Markus (column 1, line 66, through column 2, line 37); this also teaches delivering to the user the ad created by the inserter means from the website and the set of ads stored separately. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the advertisements to be stored separately, for the obvious

advantage of enabling data from advertisers to be integrated into Web sites stored elsewhere.

Neither Gever nor Singh expressly discloses that the placeholder is an advertisement placeholder, although Gever mentions advertisements (column 8, lines 3-10), but advertisements in Internet presentations are well known, as taught, for example, by Markus (as above). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the placeholder to be an advertisement placeholder, for the obvious advantage of enabling data from advertisers to be integrated into Web sites and displayed to potential buyers of advertised goods and services.

Claim 37

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable Gever et al. (U.S. Patent 6,313,835) in view of Singh (U.S. Patent 6,308,206), Kauffman (U.S. Patent Application Publication 2002/0073084), Markus et al. (U.S. Patent 6,490,601), the anonymous article, "Macromedia Flash Animation Now Native in RealSystem 5.0," Simpson (U.S. Patent 6,453,300), McCarthy et al. (U.S. Patent 6,904,408), LeMole et al. (U.S. Patent 6,009,410), the anonymous article "RedEye Recruitment: RedEye Recruitment Push to Meet Growing Industry Demand for Accountable Online Advertising Tracking," Krishan et al. (U.S. Patent 6,442,529), the anonymous article "Sony Goes to the Net via Visa," and optionally in view of Borella et al. (U.S. Patent 6,182,125). Claim 37 is largely parallel to claim 35, and rejected on essentially the same grounds.

Additionally, claim 37 still recites multiple sets of advertisements, a limitation which Applicant's amendment has now removed from claim 35. Gever does not expressly disclose that there are multiple sets of advertisements, each set corresponding to one of the at least two embedded placeholders, but it is held to be within the scope of a person of ordinary skill in the art to duplicate known parts for multiple effects (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, 11; 549 F2d 833 (7th Cir. 1977); *In re Harza*, 124 USPQ 378, 380; 274 F.2d 669 (CCPA 1960)). Furthermore, Markus teaches that many Web pages contain links to dozens of separate remote Internet resources (column 1, line 66, through column 2, line 37). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for there to be multiple sets of advertisements, each set corresponding to one of the at least two embedded placeholders, for the obvious advantage of presenting multiple ads, at different points in a web site, and/or at different times during a multimedia presentation.

Claims 38-41

Claims 38, 39, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gever et al. (U.S. Patent 6,313,835) in view of Mack ("Breaking Through the Cyber Ceiling") and Singh (U.S. Patent 6,308,206). As per claim 38, Gever discloses a multimedia presentation, said presentation having a character that moves (column 7, line 56, through column 9, line 60; column 13, lines 1-5). Gever does not disclose the character having thereon an embedded advertisement placeholder, but embedded placeholders are well known, as implied in Gever (column 2, line 5, through

column 3, line 5) and taught by Singh (column 3, lines 50-63), while Mack teaches a website with cartoon characters that may sport, for example, an advertising T-shirt (final paragraph, beginning, "Oprah's online foray"), and t-shirts commonly move with the characters wearing them as the characters move, being and remaining on the characters. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the character to have such an embedded advertisement placeholder, for the obvious and implied advantage of effectively advertising products, and receiving sponsorship therefor.

Gever does not expressly disclose that the embedded advertisement placeholder provides changeable advertisements on said character while said character otherwise remains unchanged, but Gever discloses advertisements that can be changed (column 1, lines 52-61), and Mack teaches cartoon characters not originally carrying advertisements, but alterable so that they "may sport an eBay T-shirt or drink a Starbucks cup of coffee" (final paragraph, beginning, "Oprah's online foray"). Such a shirt or cup of coffee could be changed without otherwise changing the character, e.g., by having the character sport a Chevrolet T-shirt or drink a Folger's cup of coffee. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the embedded advertisement placeholder to provide changeable advertisements on said character, while said character otherwise remains unchanged, for the stated advantage of showing different advertisements to different users, based on the user's interests or demographic factors.

Gever further discloses a set of advertisements corresponding to the embedded

placeholder, and indexed by one or more demographic indicators, implying selector

means for selecting an advertisement from said set of advertisements based on

demographic indicators (column 1, lines 52-61; column 2, line 5, through column 3, line

5; column 8, lines 3-10; note also column 9, line 61, through column 10, line 2), making

it obvious for the changeable advertisements to be in the form of such a set.

As per claims 39 and 40, Gever discloses that each of the advertisements

corresponds to a demographic indicator (ibid.).

As per claim 41, Gever does not disclose an embedded advertisement

placeholder operatively on clothing of the character, but Mack teaches advertising on

characters' clothing (final paragraph). Hence, it would have been obvious to one of

ordinary skill in the art of electronic commerce at the time of applicant's invention for the

embedded advertisement placeholder to be operatively on clothing of the character, for

the obvious and implied advantage of effectively advertising products, and receiving

sponsorship therefor.

Claims 42-44

Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gever et al. (U.S. Patent 6,313,835) in view of Mack ("Breaking Through the Cyber

Ceiling") and Singh (U.S. Patent 6,308,206). As per claim 42, Gever discloses a

multimedia presentation having a first object, said first object being distinct from a

general background of a presentation which can be multimedia (column 7, line 56,

through column 9, line 60; column 13, lines 1-5). Gever further discloses a plurality of

advertisements, which can be changeable, an advertisement being selected (column 1, lines 52-61), and discloses a user identifier having a user characteristic, used to select what is to be displayed to that user (column 1, lines 52-61; column 15, line 60, through column 16, line 8), an inserter that inserts appropriate advertisements or other material into an embedded placeholder (inherent from column 2, line 14 through column 3, line 5; and column 8, lines 3-10); and a delivery system for delivering multimedia presentations to a user (column 15, line 49, through column 16, line 14). Gever does not disclose the character having an embedded advertisement placeholder, but embedded placeholders are well known, as implied in Gever (column 2, line 5, through column 3, line 5) and taught by Singh (column 3, lines 50-63), while Mack teaches a website with cartoon characters that may sport, for example, an advertising T-shirt (final paragraph, beginning, "Oprah's online foray"), i.e., an object in a presentation wherein the object includes an advertisement and remains dynamically contained in the presentation. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the first object to include an embedded advertisement placeholder that remains dynamically contained in said multimedia presentation, for the obvious and implied advantage of effectively advertising products (on characters' shirts, or similarly), and receiving sponsorship therefor.

Gever does not expressly disclose that the embedded advertisement placeholder provides changeable advertisements on said first object in the absence of having to substitute a second object for said first object, but Gever discloses advertisements that

can be changed (column 1, lines 52-61), and Mack teaches cartoon characters not originally carrying advertisements, but alterable so that they "may sport an eBay T-shirt or drink a Starbucks cup of coffee" (final paragraph, beginning, "Oprah's online foray"). Such a shirt or cup of coffee could be changed on the first object in the absence of having to substitute a second object for said first object, e.g., by having the first cartoon character sport a Chevrolet T-shirt or drink a Folger's cup of coffee, without having to substitute a second and different cartoon character. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the embedded advertisement placeholder to provide changeable advertisements on said first object in the absence of having to substitute a second object for said first object, for the stated advantage of showing different advertisements to different users, based on the user's interests or demographic factors.

As per claim 44, in both Gever and Mack (as above), the object is selected from the group consisting of graphics, animated graphics, and full-motion video.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever, Singh, and Mack as applied to claim 42 above, and further in view of LeMole et al. (U.S. Patent 6,009,410). Gever discloses a hyperlink in the advertisement or other multimedia presentation (column 6, lines 13-15; Figure 4; column 8, lines 25-35; see also claim 6). Gever does not expressly disclose that the hyperlink in the advertisement is a hyperlink to a sponsor's website (although "LINK1 = 'WWW.BUYLATER.COM'" in Figure 4 is highly suggestive). However, it is well known for advertisements to contain hyperlinks to an advertiser's website, as taught, for example, by LeMole (Abstract).

Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention for the hyperlink in the advertisement to

be a hyperlink to an advertiser's website, for the obvious advantage of encouraging

users to browse catalogs, etc., and make purchases at the advertiser's website.

Claims 45-48

Claims 45, 46, and 47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gever et al. (U.S. Patent 6,313,835) in view of Mack ("Breaking

Through the Cyber Ceiling") and Singh (U.S. Patent 6,308,206). As per claim 45, Gever

discloses an Internet advertising system comprising a first presentation having a first

object (column 7, line 56, through column 9, line 60; column 13, lines 1-5; also column

1, lines 52-61); and selecting an advertisement from a plurality of advertisements based

on user characteristics, inherently implying a user identifier having a user characteristic

(column 1, lines 52-61; column 2, line 26, through column 3, line 5). Gever does not

expressly disclose that said first object includes an embedded advertisement

placeholder, but embedded placeholders are well known, as implied in Gever (column

2, line 5, through column 3, line 5) and taught by Singh (column 3, lines 50-63), while

Mack teaches a website with cartoon characters that may sport, for example, an

advertising T-shirt (final paragraph, beginning, "Oprah's online foray"), i.e., an object in

a presentation wherein the object includes an advertisement. Hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention for the first object to include an embedded advertisement

placeholder, for the obvious and implied advantage of effectively advertising products

(on characters' shirts, or similarly), and receiving sponsorship therefor.

Gever does not disclose that said advertisements are changeable in the absence

of having to substitute a second object in a second presentation for said first object in

order to change from a first advertisement to a second advertisement, but Gever

discloses advertisements that can be changed (column 1, lines 52-61), and Mack

teaches cartoon characters not originally carrying advertisements, but alterable so that

they "may sport an eBay T-shirt or drink a Starbucks cup of coffee" (final paragraph,

beginning, "Oprah's online foray"). Such a shirt or cup of coffee could be changed on

the first object in the absence of having to substitute a second object in a second

presentation for said first object, e.g., by having the first cartoon character sport a

Chevrolet T-shirt or drink a Folger's cup of coffee, without having to substitute a second

and different cartoon character. Hence, it would have been obvious to one of ordinary

skill in the art of electronic commerce at the time of applicant's invention for the

advertisements to be changeable in the absence of having to substitute a second object

in a second presentation for said first object in order to change from a first

advertisement to a second advertisement, for the stated advantage of showing different

advertisements to different users, based on the user's interests or demographic factors.

As per claim 46, Gever discloses that the presentation is an animation (Abstract;

and repeated references to animation throughout the Gever patent); furthermore, Mack

teaches cartoon characters in an animation (paragraphs beginning, "With this

philosophy in mind," and "Oprah's online foray").

As per claim 47, Gever does not expressly disclose that the embedded advertisement placeholder can be used for changeable advertisements by a plurality of advertisers, but does disclose that a changeable advertisement placeholder can be used for a plurality of advertisements, according to user interests or demographic factors (column 1, lines 52-58). Mack teaches advertisements in an animation by a plurality of advertisers (paragraph beginning, "Oprah's online foray"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the embedded advertisement placeholder to be able to be used for changeable advertisements by a plurality of advertisers, for the obvious and implied advantage of enabling advertising space to be sold to a plurality of advertisers, producing more revenue, and profiting by exposing ads from a second advertiser to a user who would not be interested in the products of a first advertiser.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gever, Mack, and Singh, as applied to claim 45 above, and further in view of Markus et al. (U.S. Patent 6,490,601). Gever does not expressly disclose that each of the advertisements are stored separate from the multimedia presentation, but it is well known for advertisements to be stored separate from a website, as taught, for example, by Markus (column 1, line 66, through column 2, line 37); this also teaches delivering to the user the ad created by the inserter means from the website and the set of ads stored separately. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the advertisements to be

stored separately, for the obvious advantage of enabling data from advertisers to be

integrated into Web sites stored elsewhere.

Response to Arguments

Applicant's arguments filed June 13, 2007, have been fully considered but they

are not persuasive. Applicant argues that prior art ads are not related to or made part of

the entertainment, whereas in the present invention advertisements are built into the

entertainment like a virtual form of product placement. Examiner replies that this is just

what the article by Mack teaches. Also, Gever teaches that Doubleclick displays

different advertisements according to user demographics, and Markus teaches storing

advertisements separate from a website. Applicant argues that the various independent

claims contain elements which the prior art fails to disclose; Examiner replies that each

of the listed elements is indeed obvious in view of combinations of references, as set

forth in the rejections above.

The common knowledge or well-known in the art statements in the previous

office action are taken to be admitted prior art, because Applicant did not traverse

Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Landsman et al. (U.S. Patent 7,155,663) disclose a technique for

implementing browser-initiated, user-transparent, network-distributed advertising.

Rezvani et al. (U.S. Patent 7,254,779) disclose a customizable presentation environment.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the Examiner at 571-273-6762.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

August 23, 2007